



CERTIFICATE OF ACCREDITATION



United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

Ecocert S.A.

L'Isle Jourdain, FRANCE

meets all the requirements prescribed in the National Organic Program Regulations

7 CFR Part 205

(Updated August 3, 2011)

as an Accredited Certifying Agent

for the scope of

Crops, Wild Crops, Livestock and Handling Operations

This certificate is receivable by all officers of all courts of the United States as prima facie evidence of the truth of the statements therein contained. This certificate does not excuse failure to comply with any of the regulatory laws enforced by the U.S. Department of Agriculture.

Status of this accreditation may be verified at <http://www.ams.usda.gov>

Certificate No: NP1283MMA
Effective Date: April 29, 2012
Expiration Date: April 28, 2017


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Deputy Administrator
National Organic Program

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Auditor(s):	Meg Kuhn, RAM – East Region
Program:	USDA National Organic Program (NOP)
Audit Date(s):	July 20 – August 22, 2012
Audit Identifier:	NP1283MMA
Action Required:	Yes
Audit Type:	Corrective Action
Audit Objective:	To verify review and approve corrective actions addressing the non-compliances identified during the Renewal Assessment Audit.
Audit Criteria:	7 CFR Part 205, <i>National Organic Program; Final Rule</i> , dated December 21, 2000; revised February 17, 2010.
Audit Scope:	ECO's 06/22/12 response letter to the Renewal Assessment Audit non-compliance report
Location(s) Audited:	Desk

GENERAL INFORMATION

Ecocert S.A. (Ecocert) is a for-profit business, which was initially accredited as a USDA National Organic Program (NOP) certifying agent on April 29, 2002, for crops, wild crops, livestock, and handling operations. Ecocert consists of 23 total offices worldwide with key activities conducted in 14 offices. At the time of the USDA assessment, 3 of the 23 offices were located in France, which included the international office which is the main office, the France office for operations within France, and another France office for cosmetics certification (not to NOP standards).

The 14 offices where key activities take place are located in France (2), Germany, Turkey, Romania, Brazil, Ecuador, Colombia, Canada, Burkina Faso, Morocco, Tunisia, Madagascar, and China. Key activities that are performed by the 14 offices include: sending out application packets; sending out estimates; conducting the initial review for completeness and compliance; assigning inspectors; and making the certification decision. Ecocert had 12 offices when they first reported key activities to the NOP. Since then, they had added a Burkina Faso and Ecuador office. Burkina Faso was originally overseen by a Certification Officer (CO) from the international office. Since then, the CO had relocated to Burkina Faso to train another CO to take over. The Ecuador office was being supervised by the Columbia office until the CO was fully trained; however, the CO has since been fully trained and has taken over the certification activities.

The 2011 USDA Renewal Assessment consisted of reviewing the certification activities of the Ecocert main office (international office) located in L'Isle Jourdain, France; the Ecocert Brazil office located in

Flourianopolis, Brazil; and the the Ecocert Deutschland GmbH office located in Northeim, Germany. In addition, the certification activities of the Columbia office located in Bogota, Columbia were reviewed during the review of the international office via certification file reviews and a telephonic interview of the CO responsible for the office.

The Ecocert list of NOP certified operations included 1,171 operations, which consisted of 639 crops; 902 handlers, 145 wild crops, and 16 livestock certified operations (14 were apiaries). The total also included 140 grower groups.

AUDIT INFORMATION

During the Renewal Assessment audit, the corrective actions for the non-compliances identified during the 2009 Mid-Term audit were verified and found to be implemented and effective and the non-compliances were cleared, with exception of NP7246EEA.NC8, which remains outstanding. There were thirteen (13) non-compliances identified during this audit. ECO was notified of this finding in a notice from the NOP on May 15, 2012. A response was received on June 22, 2012.

FINDINGS

The following findings are being addressed through methods outside the corrective action audit process, requiring additional response prior to acceptance of the corrective action plan.

NP7246EEA.NC8 – Outstanding
NP1283MMA.NC2
NP1283MMA.NC3

For the following findings, the National Organic Program has accepted the corrective action responses ECO submitted in June 2012.

NP1283MMA.NC1 – Submitted and Accepted: NOP §205.403 (a)(1) states, “A certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested. An on-site inspection shall be conducted annually thereafter...” *For the grower group witness inspection, the internal control system was set up to inspect all producers (bee keepers) but not to inspect all apiary locations. There is no minimum of locations required by Ecocert and no information in the organic system plan or grower group records concerning how many or which locations were inspected each year.* **Corrective Action:** Ecocert revised the Guideline for Grower Group, TS01 (EC-NOP) V03, to require “annual inspection by the ICS of all farms, production sites, grazing and apiary areas....” Regarding the specific grower group from the witness inspection, Ecocert required the GG ICS to conduct an on-site inspection of all sites. This was achieved by issuance of a Notice of Non-Compliance to the operation (dated Nov 21, 2011) where a major non-compliance was issued, withholding issuance of updated organic certificate until the grower group demonstrated the ICS had visited each production site. If the corrective action submitted is effectively implemented, Ecocert has demonstrated the capability to comply with NOP accreditation requirements.

NP1283MMA.NC4 – Submitted and Accepted: NOP §205.501 (a)(11)(iv) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Not giving advice or providing consultancy services, to certification applicants or certified operations, for overcoming identified barriers to certification.” *Notices of non-compliance issued by Ecocert include a prescribed corrective action.* **Corrective Action:** Ecocert submitted the following, “The column “Improvement actions AND date by which the operator must rebut or correct the noncompliance” was reserved to the client for its own answers. We propose to modify the title of this column to avoid any confusion and name it “Action set up by the operator and date of implementation.” The new template will be ready for use end of July. In addition, during the training of Certification officers held in L’Isle Jourdain in April 2012, certification officers have been reminded the type of information to be included in the notice of non-compliance and the importance of avoiding any consultancy.”

NP1283MMA.NC5 – Submitted and Accepted: NOP §205.501 (a)(11)(v) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Requiring all persons who review applications for certification...and all parties responsibly connected to the certifying agent to complete an annual conflict of interest disclosure report.” *There were no conflict of interest disclosure reports on file for 4 of the 5 Ecocert directors.* **Corrective Action:** Ecocert provided signed conflict of interest disclosure statements for all directors. The procedure P05(NOP) has been revised to indicate COI statements are required for all responsibly connected parties, including directors, annually. If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

NP1283MMA.NC6 – Submitted and Accepted: NOP §205.501 (a)(11)(vi) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Ensuring that the decision to certify an operation is made by a person different from those who conducted the review of documents and on-site inspection.” *As verified by an interview with the NOP Certification Manager and the records reviewed, in some cases the Certification Officers conduct application reviews and make certification decisions for the same files. This occurred in 6 of the 10 files reviewed for this requirement. Ecocert’s procedures were revised to allow this process after the February 2010 ACA training by the NOP in Nuremberg, Germany due to a misunderstanding by Ecocert. A copy of this training was not available by the end of the audit.* **Corrective Action:** Ecocert updated documents related to application review and certification decision to require inspectors to conduct the application review and certification officers to conduct the inspection review/certification decision. Ecocert provided objective evidence (updated procedures, evidence of training of staff). If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

NP1283MMA.NC7 – Submitted and Accepted: NOP §205.501 (a)(18) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Provide the inspector, prior to each on-site inspection, with previous on-site inspection reports and notify the inspector of its decision regarding certification of the production or handling operation site inspected by the inspector and any requirements for the correction of minor non-compliances.” *Ecocert was providing the inspectors with the previous on-site inspection report prior to inspections. However, they do not notify the inspector of their decision regarding certification and any requirements for the correction of minor non-compliances after the inspection.* **Corrective Action:** Ecocert updated two instruction documents,

I04 and I03, that address how to “deal with non-compliances for certified operators/applicants.” These documents were updated to add the inspectors to the list of parties to whom a copy of the certification decision is sent. If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

NP1283MMA.NC8 – Submitted and Accepted: NOP §205.501 (a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary” and the NOP Policy Memo 11-10 states, “The National Organic Program (NOP) is drafting guidance regarding certification of grower groups and will be requesting public comment before publishing final guidance and possible regulation change. In the interim, accredited certifying agents should use the National Organic Standards Board (NOSB) recommendations of October 2002 and November 2008 as the current policies.” *The Ecocert TS01(EC- NOP)V1 – Guideline on Organic Certification of Grower Groups according to EC and NOP Regulations* was reviewed against the *NOSB Recommendation 2002* and *NOSB Recommendation 2008* and verified they did not address the requirements for:

1. *The GG identifying the designation of what is a specific member or subunit and then verification of these members and subunits by Ecocert during the application process (NOSB Recommendation 2008 section III.C);* **Corrective Action:** update to GG guidelines, page 5
2. *Determining how many of the sub-units within a production unit must receive an annual inspection by the ACA’s inspector (NOSB Recommendation 2008 section III.D.1);* **Corrective Action:** update to GG guidelines, page 11
3. *Determining which sub-units present the greatest risks of non-compliance (NOSB Recommendation 2008 section III.D.1);* **Corrective Action:** update to GG Guidelines, page 12
4. *The inspector selecting 25% of the remaining subunits at random (NOSB Recommendation 2008 section III.D.1); and* **Corrective Action:** page 12
5. *Mandatory inspection (by ACA inspector) of new entrants into the production unit (NOSB Recommendation 2008 section III.D.1).* **Corrective Action:** page 7

In addition the Guideline, Section I, Definitions states, “Sub-Group = Sub-Unit: Subdivision of the grower group in smaller units for example a village.” This definition is not in accordance with NOSB Recommendation 2008 section III which states, ““Sub-unit” means: A smaller discrete portion of a production unit, such as a field, plot, wild-crop harvest area, or distinct processing area.” **Corrective Action:** First, for items 1 – 5 above, Ecocert revised the GG Guidelines to address each point (see points above for GG guidelines page number update). Second, the GG Guidelines have also been updated to reflect the accurate definition of “sub-unit” (page 2). If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

NP1283MMA.NC9 – Submitted and Accepted: NOP §205.504 (c)(1) states, “A private or governmental entity seeking accreditation as a certifying agent must submit... (1) A copy of the procedures intended to be implemented to prevent the occurrence of conflicts of interest, as described in §205.501(a)(11).” *The Ecocert Prevention of Conflicts of Interest, Code: P05 (NOP), Version 01 procedure does not adequately address the requirement of 205.501 (a)(12)(ii) that if any person covered under 205.501 (a)(11)(i) (the ACA, a responsibly connected party of the ACA, etc...) had a conflict of interest with the certification of an applicant, the applicant will be referred to another ACA*

and Ecocert will bear the costs of certification. The procedure states if any person had a COI at the time of application for certification they will be referred to another ACA and Ecocert will bear the cost. **Corrective Action:** Ecocert revised procedure P05 (NOP) to comply with §205.501(a)(12)(ii). A copy of the updated procedure was provided as objective evidence.

NP1283MMA.NC10 – Submitted and Accepted: NOP §205.510 (a)(1) states, “An accredited certifying agent must submit annually to the Administrator, on or before the anniversary date of the issuance of the notification of accreditation, the following report and fees: A complete and accurate update of information...” *Ecocert had not been sending in an annual report, as required by §205.510(a). Some information is sent to the NOP as it is updated, such as changes to the Certification Manager. However, there is no annual report completed and submitted as required. Because the Annual Report has not been submitted, the application for accreditation renewal did not contain all required components.* **Corrective Action:** Ecocert revised the Disclosure of Information procedures, which directs how Ecocert provides external reports and information and to whom. A copy of the revised procedures was provided as objective evidence. The procedure shows staff responsible for reporting activities, dates by which reports are due, and management responsible for oversight. If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

NP1283MMA.NC11 – Submitted and Accepted: NOP §205.660 (d) states, “Each notification of noncompliance, rejection of mediation, noncompliance resolution, proposed suspension or revocation, and suspension or revocation issued pursuant to §205.662, §205.663, and §205.665 and each response to such notification must be sent to the recipient's place of business via a delivery service which provides dated return receipts.” *All notices of non-compliance, notices of proposed suspension, and notices of resolutions sent to clients via regular email only and not via a service which provides a dated return receipt.* **Corrective Action:** Ecocert’s procedures indicate that all applicable notices will be sent via email with a delivery receipt; alternately, if no receipt is received for the email delivery, Ecocert will re-send the notice via certified mail. Instruction documents were updated to reflect the changes and copies were provided as objective evidence. If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

NP1283MMA.NC12 – Submitted and Accepted: NOP §205.662 (a)(1) – (3) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program’s governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: (1) A description of each noncompliance; (2) The facts upon which the notification of noncompliance is based; and (3) The date by which the certified operation must rebut or correct each non-compliance and submit supporting documentation of each such correction when correction is possible.” *In nine notifications of non-compliance files reviewed, one did not contain a description of the non-compliance and instead stated the labeling standards were sent to client; two did not include the facts upon which the non-compliance was based; and seven did not provide a date for the operation to provide corrective actions and/or to rebut the non-compliance.* **Corrective Action:** Ecocert addressed this issue by revising the Notice of Non-Compliance template, which was provided as objective evidence. Review of the updated template shows the form requires all points above (description of the NC, facts upon which it is based, and a date to rebut/correct). If implemented effectively, Ecocert’s response demonstrates capability to comply with NOP accreditation

requirements.

NP1283MMA.NC13 – Submitted and Accepted: NOP §205.662 (c)(3) states, “The notification of proposed suspension or revocation of certification shall state: (3) the impact of a suspension or revocation on future eligibility for certification.” *One notice of proposed suspension did not include the impact of the suspension.* **Corrective Action:** Ecocert addressed this by providing an updated version of the Notice of Proposed Suspension template, which includes an impact/eligibility section. If effectively implemented, Ecocert’s response demonstrates capability to comply with the NOP regulations.